GOVERNMENT OF INDIA
CHEMICALS AND FERTILIZERS
LOK SABHA

UNSTARRED QUESTION NO:5488
ANSWERED ON:30.04.2002
EXTENSION OF WTO DEADLINE TO IMPLEMENT PRODUCT PATENT
VINAY KUMAR SORAKE

Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a): whether the Indian pharma industry lobby has requested for the extension of WTO deadline to implement product patent regime in India under the TRIPS agreement;

(b) if so, the details thereof:

(c) whether at the Doha meet of the WTO an option to extend the deadline was given to the Least Developed countries; and:

(d) if so, whether the Government would consider for extending the WTOdeadline till 2016 to implement the provisions of the TRIPS agreement?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS & FERTILIZERS (SHRI S. B. MOOKHERJEE)

(a) & (b): Indian Pharmaceutical Industry have made various submissionsrelating to patent regime. These submissions have been made to Department of Industrial Policy & Promotion, Department of Commerce, Department of Health & Department of Chemicals & Petrochemicals.

(c) & (d) Doha Ministerial Declaration on the TRIPS Agreement and Public Health in paragraph 7 provides that :

`â€¦â€¦We also agree that the least- developed country Members will not be obliged, with respect to pharmaceutical products, to implement or apply Sections 5 & 7 of Part II of the TRIPS Agreement or to enforce rightsprovided for under these Sections until 1st January, 2016, without prejudice to the right of the least-developed country Members to seek other extensions of the transition period as provided for in Article 66.1 of the TRIPS Agreement. We instruct the Council for TRIPS to take the necessary action to give effect to this pursuant to Article 66.1 of the TRIPS Agreement.`

India does not qualify for inclusion in the least developed countries designated by the United Nations as per their criteria.